



**Minutes of the Village Council Meeting  
October 28, 2019**

On Monday October 28, 2019 the Village of Galena Council meeting was called to order at 7:01 p.m. in Council Chambers of the Village Hall, 109 Harrison St., by Mayor Thomas Hopper.

**Roll Call**

Tom Hopper, Mayor (Present)  
Bob Molter, Council Member (Present)  
David Simmons, Council Member (Present)  
Todd Musacchio, Council Member (Present)

Jason Hillyer, Council Member (Present)  
David Walker, Council President (Present)  
Kathy Krupa, Council Member (Present)  
Suzanne Rease, Fiscal Officer (Present)

**Also Present**

Porter “Chip” Welch, Legal  
Jeffrey White, Village Administrator

Michelle Dearth Asst. Fiscal Officer  
Ken Molnar, Solicitor (Absent)

A List of those in attendance is attached at the end of the minutes.

**Minutes of September 23, 2019**

David Simmons made a motion to approve the minutes. Bob Molter seconded the motion and the motion passed unanimously in a 6-0 voice vote.

**Minutes of Public Information Meeting October 14, 2019**

David Simmons made a motion to approve the minutes. Jason Hillyer seconded the motion and the motion passed unanimously in a 6-0 voice vote.

**Guest Speaker**

Sherriff Russell Martin and Chief Deputy Jon Scowden, from the Delaware County Sherriff’s Office presented to Council a slide presentation about sheriff calls relating to Galena and other current Champion apartment developments in the county. The presentation included information on agency assists, budgeting issues, number of calls, and response time.

A full copy of the presentation is available for review at the Village office upon request.

A Public Hearing before Council was continued, in the Council Chambers of the Galena Village Hall located at 109 Harrison Street in Galena, Ohio re: the application of Blackhawk Endeavors LLC for a change in zoning district classification from Berkshire Township Agricultural (A-1) and Berkshire Township Planned Recreational District (PRCD) to Village of Galena Planned Residential District (PRD) and Planned Commercial and Office District (PC), and approval of a development/subdivision plan, as recommended by the Village Planning and Zoning Commission, for the following described property: Pursuant To the Provisions of Ordinance No. 2019-16.

Situated in the Village of Galena, in the Township of Berkshire, in the County of Delaware, and the State of Ohio.

Being known as: Blackhawk Gold Course 8830 Dustin Rd., Parcel numbers 41743006001001 and 41743006002000

And

The John Wright farm 8131 Plumb Rd., Parcel number: 41734004039000.

Mr. Welch, legal representative for the Village, sitting in for Mr. Molnar, Village Solicitor said that Mr. Fisher, legal representative for Champion had requested a continuance of the hearing until the November 25, 2019 Council meeting.

David Simmons made a motion to continue the hearing until the November 25, 2019 Council meeting. Jason Hillyer seconded the motion and the motion passed unanimously in a 6-0 voice vote.

### **Ordinance No. 2019-16 (Second Reading)**

**An Ordinance Accepting The Recommendation Of The Galena Planning And Zoning Commission For The Re-Zoning Of The Lands Of Groezinger Gold Enterprises, Inc., An Ohio Corporation, And John D. Wright As Land Owners Consisting Of 260.56 Acres, More Or Less From Berkshire Township Agricultural To Planned Residential District (PRD) And Planned Commercial And Office District (PC).**

Mayor Hopper read the Ordinance. Kathy Krupa made a motion to table the second reading on the ordinance. Bob Molter seconded the motion and then rescinded the second motion. Jason Hillyer seconded the motion. The motion failed with one yes and five no's.

Krupa-Yes Walker-No Simmons-No Musacchio-No Molter-No Hillyer-No

The second reading of the Ordinance was completed.

### **Administrator's Report**

Village Administrator Jeff White's report stated that a pre-construction meeting for Phase 2 of Arrowhead Lake Estates was held on 10/23/19 and the draft of the development agreement for Phase 2 is under legal review by our solicitor. The Retreats of Dustin phase 1 construction is progressing and a draft development agreement for Phase 2 is under legal review by our solicitor. Pulte of the Arrowhead Estates has initiated the process for joining the NCA. The Galena Brick Trail Phase 3 is on schedule to be completed by the end of October. The As-Built plans for the Wastewater Treatment Plant have been submitted to the Ohio EPA and we await the OEPA's approval. The plant's chemical feed system is not functioning properly and our design/build team will need to redesign it. Mr. White has been working on bid documents for the Village's solid waste contract. The current contract with Waste Management expires at the end of the year, he received a pricing for a three month extension, which would allow us to run our bid document concurrently with the Village of Sunbury.

David Simmons made a motion to extend the Waste Management contract for three months as proposed in the September 26, 2019 letter from Waste Management. Dave Walker seconded the motion and the motion passed in a 6-0 voice vote.

### **Fiscal Officer Report**

Fiscal Officer Suzanne Rease reported that we have 17 delinquent sewer accounts. The fiscal office worked on the figures for the Personnel and the Finance committee for the 2020 budget and set up meetings with both committees. We have spent 40-50 hours completing numerous records requests for the

Champion Development Plan, it's updated plan, the economic development plan, Ruffner Park ball field, C.D's of the meetings, and e-mails and texts from staff.

### **Approval of Financial Statements**

David Simmons made a motion to approve the financial statements. Kathy Krupa seconded the motion and the motion passed unanimously in a 6-0 voice vote.

### **Payment of Invoices for October**

David Simmons made a motion to approve the invoices for October. Dave Walker seconded the motion and the motion passed unanimously in a 6-0 voice vote.

### **Code Compliance Report**

Levi Koehler report stated that the lift station has been completed at the Retreat at Dustin. The engineering drawings for the second phase have been approved and the installation of infrastructure has begun. Pulte of Arrowhead Lake Estates has contacted Bricker and Eckler about the NCA, and construction on homes is underway. Zoning certificates for the first homes in Blackhawk Phase-D have been issued, and addresses assigned. An updated road layout was sent to the postmaster.

### **Wastewater Treatment Report**

Brian Rammelsberg's report stated that there were no violations for the month. Eight new sewer taps for the month. Four at Arrowhead Lake Estates, lots 319, 394, 388, and 323 and four at the Retreat at Dustin, lots 9, 10, 11, and 12. The grinder pump at 360 Quinn St. was replaced on 9/8/19.

### **Maintenance Report**

Josh Cherubini's report stated that the maintenance staff has been working on fall clean up. Bathrooms in Ruffner Park and the water lines and fountain at the Village Square have been winterized. They have begun sealing the wood on the trail bridges and have been monitoring the construction of the Galena Brick Trail Phase 3. There were 3 burials for the month.

### **Resolution No. 2019-38 (First Reading, Emergency)**

**A Resolution Transferring Funds In the Amount OF \$4,000.00 From Salaries Administrator Staff 1000-710-132 And \$1,000.00 From Salary Clerk/ Treasurer 1000-725-122 To Salaries Clerk /Treasurer Staff In the Amount Of \$2,500.00 And To Other Professional And Technical Services 1000-790-349 In The Amount OF \$2,500.00 And, Declaring An Emergency.**

Mayor Hopper read the Resolution. David Simmons made a motion to suspend the second and third reading. Dave Walker seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Krupa-Yes Walker-Yes Simmons-Yes Musacchio-Yes Molter-Yes Hillyer-Yes

Dave Walker made a motion to Adopt Resolution No. 2019-38 as an emergency. Bob Molter seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Krupa-Yes Walker-Yes Simmons-Yes Musacchio-Yes Molter-Yes Hillyer-Yes

**Resolution No. 2019-39 (First Reading, Emergency)**

**A Resolution Authorizing An Increase In The Budget In The Amount Of Fifty Thousand Dollars (\$50,000); Authorizing Disbursement Of These Funds For The Purpose Of Pass Thru engineering Cost, And Declaring An Emergency.**

Mayor Hopper read the Resolution. David Simmons made a motion to suspend the second and third reading. Dave Walker seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Krupa-Yes Walker-Yes Simmons-Yes Musacchio-Yes Molter-Yes Hillyer-Yes

Dave Walker made a motion to adopt Resolution No. 2019-39 as an emergency. Jason Hillyer seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Krupa-Yes Walker-Yes Simmons-Yes Musacchio-Yes Molter-Yes Hillyer-Yes

**Resolution No. 2019-40 (First Reading, Emergency)**

**A Resolution Authorizing An Increase In The Budget In The Amount Of Four Thousand Dollars (\$4,000); Authorizing Disbursement Of These Funds For The Purpose Of Payment For the State Rt. 3 Traffic Light Project, And Declaring An Emergency.**

Mayor Hopper read the Resolution. Dave Walker made a motion to suspend the second and third reading. Kathy Krupa seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Krupa-Yes Walker-Yes Simmons-Yes Musacchio-Yes Molter-Yes Hillyer-Yes

Dave Walker made a motion to adopt Resolution No. 2019-40 as an emergency. Jason Hillyer seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Krupa-Yes Walker-Yes Simmons-Yes Musacchio-Yes Molter-Yes Hillyer-Yes

A public hearing was called to order at 8:46 on the application to add certain parcels of real property to the Galena New Community Authority District.

There were no public comments.

Dave Walker made a motion to close the hearing. Jason Hillyer seconded the motion and the motion passed in a 6-0 voice vote.

The public hearing closed at 8:49 p.m.

**Resolution No. 2019-41 (First Reading)**

**Resolution Approving The Application To Add Certain Parcels OF Real Property To The Galena New Community Authority District And To Amend The Petition For Establishment Of The Galena New Community Authority As A New Community Authority Under Chapter 349 Of The Ohio Revised Code.**

Mayor Hopper read the Resolution. Dave Walker made a motion to suspend the second and third reading. Todd Musacchio seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Krupa-Yes Walker-Yes Simmons-Yes Musacchio-Yes Molter-Yes Hillyer-Yes

Jason Hillyer made a motion to adopt Resolution No. 2019-41 as an emergency. Dave Walker seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Krupa-Yes Walker-Yes Simmons-Yes Musacchio-Yes Molter-Yes Hillyer-Yes

**Resolution No. 2019-42 (First Reading, Emergency)**

**A Resolution To Enter Into A Contract With Eric Sandine DBA Ohio ROW Consulting, For The Purpose Of Establishing A Right-Of-Way Permit Program And, Declaring An Emergency.**

Mayor Hopper read the Resolution. Kathy Krupa made a motion to suspend the second and third reading. David Simmons seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Krupa-Yes Walker-Yes Simmons-Yes Musacchio-Yes Molter-Yes Hillyer-Yes

Kathy Krupa made a motion to adopt Resolution No. 2019-42 as an emergency. Dave Walker seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Krupa-Yes Walker-Yes Simmons-Yes Musacchio-Yes Molter-Yes Hillyer-Yes

**Delaware County Regional Planning Commission Report**

Mayor Hopper had nothing to report.

**BST&G Fire Board Report**

Bob Molter reported that the fire department has a new program through the American Red Cross where they will come to your house and install smoke alarms. If interested contact the fire department.

**Zoning and Planning Commission Report**

Mayor Hopper reported the hearing on the subdivision code and the hearing for the Galena Commerce Center were both continued. A maintenance shed at the Arrowhead Golf Course was approved.

**MORPC Report**

David Simmons reported that the speaker was General Deborah Ashenurst, head of the Ohio Department of Veterans Services. She emphasized the importance of getting veterans in communities to register with their offices because it made the community eligible for some pass through grants. The chart for 2020 member dues for Galena is \$1,000.00. HB 288 proposes to prohibit the use of eminent domain for creating trails. Local officials have offered testimony in opposition. It stems from residents adjacent to Mill Creek Park in Youngstown who filed legal suits against a proposed trail. The MORPC Return on Investment was received. They are claiming a return of \$447.00 for every \$1 spent on dues. Included was a long list of projects completed this year with their cost.

**Electronic Media Committee**

David Simmons had nothing to report.

**Other Business**

None.

**Guest Participation**

Nicole Walker, 6023 Red Bank Rd. asked about the bricks that were removed from the Walnut St. reconstruction and what the contract stated about the disposal of the bricks. Mayor Hopper explained that the contract transferred all material to the contractor to dispose of. Ms. Walker also asked why an attorney was sent to the Delaware County Court for the injunction that was filed. Mr. Welch responded that he and

Mr. Molnar the Village Solicitor, have a responsibility to represent the Village. Ms. Walker also commented that Ohio Checkbook is not updated, the earliest year she could find was 2015. Ohio Checkbook is updated every year after year end is completed. The most recent year on the system is 2018.

Darrell Gagne, 355 N. Walnut St. stated that the personal attacks between opponents on both sides of the development issue need to stop.

Joe Shoemaker, 8171 Walnut Ave. asked what is the plan is for the future in reference to safety? David Simmons responded that the Village doesn't have funds at this time to make a change in protection but it will become a top priority in the future. The Sheriff, Sunbury, and Genoa Township have expressed interest in providing police protection to the Village.

**Executive Session**

Council adjourned in to executive session for Litigation (121.22G3) at 9:29 p.m.

David Simmons made a motion to reconvene. Jason Hillyer seconded the motion and the motion passed unanimously in a 6-0 roll call vote:

Krupa-Yes Walker-Yes Simmons-Yes Musacchio-Yes Molter-Yes Hillyer-Yes

Council reconvened at 9:59.

**Adjournment**

David Simmons made a motion to adjourn. Jason Hillyer seconded the motion and the motion passed unanimously in a 6-0 voice vote. The meeting adjourned at 10:00 p.m.

A CD of the meeting is available for review.

**Next Meeting**

The next Council meeting will be held on November 25, 2019 at 7 p.m., in Council Chambers at the Galena Village Hall.

Respectfully submitted, Michelle Dearth, Asst. Fiscal Officer

\_\_\_\_\_  
Fiscal Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

**Certification:** I, Suzanne Rease, Fiscal Officer of the Village of Galena, Ohio hereby certify that publication of these Minutes was duly made by posting true copies thereof at five (5) of the most public places as determined by Council in Resolution 2015-18.